

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLY RAY SHANEE MALDONADO,
Plaintiff,
v.
CALIFORNIA DEPT. OF
CORRECTIONS, et al.,
Defendants.

No. 2:23-cv-0028 DJC DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 4, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. The Court observes that this procedure is sufficient to constitute notice to the Plaintiff of the potential disqualification under 28 U.S.C. 1915(g) as required by *Andrews v. King*, 398 F.3d 1113, 1120. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule

304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 4, 2023, are adopted in full;
2. The Court finds Plaintiff has accrued three strikes under 28 U.S.C. § 1915(g) prior to filing this action;
3. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) is denied; and
4. Within twenty-one days of the date of this order, Plaintiff shall pay the \$402 filing fee in order to proceed with this action. If Plaintiff fails to pay the filing fee, this action will be dismissed.

IT IS SO ORDERED.

Dated: May 11, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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